

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

INSITUFORM TECHNOLOGIES, INC.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 04 10487 GAO
)	
AMERICAN HOME ASSURANCE COMPANY,)	
)	
Defendant.)	

PLAINTIFF'S MOTION FOR LEAVE TO SUPPLEMENT THE RECORD

Plaintiff, Insituform Technologies, Inc. ("Insituform"), hereby moves to supplement the record in conjunction with the cross-motions for summary judgment and the pending motion for reconsideration, as follows:

1. At the time Insituform's motion and defendant's cross-motion were filed and briefed, the underlying primary insurance carrier, Liberty Mutual Insurance Company, was still conducting its investigation of the claim that is at issue.
2. Liberty Mutual has concluded its investigation and made payment to Insituform in satisfaction of its limit of liability.
3. Accordingly, Insituform seeks supplements its statement of undisputed facts in support of its motion for summary judgment to add additional undisputed facts that the claim at issue has been paid by the primary carrier to the limit of its liability.

-2-

WHEREFORE, Insituform respectfully requests leave of Court to supplement the record an Insituform's motion for partial summary judgment by filing the attached Supplemental Local Rule 56.1 Statement and the accompanying Supplemental Affidavit of Robert Kelley, and for any such further relief as this Court deems just and proper.

Respectfully submitted,

INSITUFORM TECHNOLOGIES, INC.

By: /s/ Stanley A. Martin
Stanley A. Martin, Esq.
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Date: April 22, 2005

Of counsel

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LOCAL RULE 7.1(A)(2) CERTIFICATION

Pursuant to Local Rule 7.1(A)(2), I hereby certify that I have conferred with the Defendant's counsel regarding this motion, on April 20, 2005, in an effort to resolve or narrow the issue presented by this motion.

By: /s/ Stanley A. Martin
Stanley A. Martin, Esq.
Holland & Knight LLP

-3-

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the following document was served upon the attorney of record for the Defendant by virtue of electronically filing this document with the Court on the 22nd day of April 2005.

PLAINTIFF'S MOTION FOR LEAVE TO SUPPLEMENT THE RECORD

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